

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

In Re: _____) Case#: 10-51542
Gregory Joseph Balk) Chapter 13
)
Debtor(s)) **MOTION TO RECONSIDER
 DISMISSAL ORDER**
_____)

NOW COMES the above named Debtor through his attorney, Jack G. Lezman and request the Court as follows:

1. This Chapter 13 bankruptcy was filed November 8, 2010. This bankruptcy case was a normal filing, not an emergency. All schedules were signed & filed at the time of filing.
2. Evidently there was an uploading error in which only a portion of the schedules were filed and a deficiency notice was filed.
3. Due to an oversight on our part, and by no fault of the debtor, the missing documents were not filed and an order dismissing case was filed by the court due to failure to file Schedule I, Schedule J, Declaration Concerning Schedules, Form 7, Fee Disclosure Statement, Fee Disclosure Statement (Local Form 3), Chapter 13 Statement of Income, & Exhibit D to Petition.
3. Immediately upon receiving the dismissal notice, the missing schedules/statements were filed.
4. The original 341(a) Meeting of Creditors is scheduled for December 20, 2010. Debtor would request this Meeting of Creditors to remain as scheduled.
5. The trustee has no objection to the 341(a) Meeting of Creditor's to remain as scheduled.

WHEREFORE, Debtors move the Court to:

1. Reconsider the dismissal order and enter an Order allowing debtors to complete their Chapter 13 Plan.
2. Reinstate the Section 341(a) Meeting of Creditors for December 20, 2010 at 9:00 a.m.

Respectfully submitted this the 2nd day of December, 2010

Jack G. Lezman
Attorney for Debtor(s)
4801 E. Independence Blvd., Suite 616
Charlotte, NC 28212
704/536-7669
NC Bar #22168

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

In Re:)	Case#: 10-51542
Gregory Joseph Balk)	Chapter 13
)	
)	
Debtor(s))	
)	

NOTICE OF HEARING

Take Notice that a motion has been filed by Jack G. Lezman, attorney for debtor(s). A copy of this motion accompanies this notice.

Take further notice that any response, including objection, to the motion should be filed with the Clerk of the Bankruptcy Court within **fifteen (15) days** of this notice and a copy served on the attorney identified below and upon other parties as required by law or Court order. Any response shall clearly identify the specific motion to which the response is directed and it shall comply fully with any Local Bankruptcy Rules applicable.

Take further notice that a hearing will be held on this motion as follows:

Location:	Time and Date:
100 Justice Place Shelby, NC 28150	December 17, 2010 9:30 a.m.

Respectfully submitted this the 2nd day of December, 2010

Jack G. Lezman
Attorney for Debtor(s)
4801 E. Independence Blvd., Suite 616
Charlotte, NC 28212
704/536-7669
NC Bar #22168

Certificate of Service

I, Jack G. Lezman, Attorney for the Debtor, do hereby certify that I have served a copy of this Motion on the following persons at the addresses listed below, this being there last known address, by depositing said copy in the US Mail with sufficient postage.

Steven G. Tate, Trustee
PO Box 1778
Statesville, NC 28687

See attached mailing matrix

This the 2nd day of December, 2010

Jack G. Lezman
Attorney at Law
4801 E. Independence Blvd., Suite 616
Charlotte, NC 28212
Telephone: 704/536-7669
NC Bar # 22168

Case 10-51542 Doc 14 Filed 12/03/10 Entered 12/03/10 15:26:37 Desc Main Label Matrix for local noticing
0419-5 Wilkesboro Division Document Page 5 of 5 Absolute Collection Service
Case 10-51542 P.O. Box 34189 421 Fayetteville Street Mall, Ste. 600
Western District of North Carolina Charlotte, NC 28234-4189 Att: Bankruptcy Dept.
Wilkesboro Raleigh, NC 27601-1777
Fri Dec 3 12:17:44 EST 2010

Asheville Anesthesia Assoc., PA Asheville Radiology Assoc., PA BB&T Financial, FSB
76 Peachtree Rd. PO Box 2809 PO Box 698
Suite 300 Asheville, NC 28802-2809 Wilson, NC 27894-0698
Asheville, NC 28803-3505

Black Mountain Savings Bank Blue Ridge Bone and Joint Clinic CitiFinancial
PO Box 729 129 McDowell St. PO Box 6931
Black Mountain, NC 28711-0729 Asheville, NC 28801-4434 Attn: Bankruptcy Dept.
The Lakes, NV 88901-6931

Discover Bank/DFS Services LLC (p)DISCOVER FINANCIAL SERVICES LLC Home Depot Credit Services
PO Box 3025 PO BOX 3025 PO Box 9100
New Albany, OH 43054-3025 NEW ALBANY OH 43054-3025 Attn: Bankruptcy Dept.
Des Moines, IA 50368-9100

(p)INTERNAL REVENUE SERVICE Lowes/ GE Money Bank Mission Hospital
CENTRALIZED INSOLVENCY OPERATIONS Attn: Bankruptcy Dept. PO Box 75378
PO BOX 21126 PO Box 103104 Charlotte, NC 28275-0378
PHILADELPHIA PA 19114-0326 Roswell, GA 30076-9104

North Carolina Department of Revenue Phyllis Bracken Gregory Joseph Balk
Bankruptcy Unit 252 E. Statesville Ave. PO Box 2246
P.O. Box 1168 Mooresville, NC 28115-2448 Huntersville, NC 28070-2246
Raleigh, NC 27602-1168

Jack G. Lezman Steven G. Tate
Attorney At Law P.O. Box 1778
4801 E. Independence Blvd. Statesville, NC 28687-1778
Ste. 616
Charlotte, NC 28212-5491

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Discover Card	Internal Revenue Service	End of Label Matrix
PO Box 15251	P.O. Box 21126	Mailable recipients 19
Att: Bankruptcy Dept.	Philadelphia, PA 19114	Bypassed recipients 0
Wilmington, DE 19886-5251		Total 19